

discrimination, the NEA finds that the program would remain viable because it falls under an exception listed in 45 CFR Section 1156.7.

45 CFR Section 1156.6 contains both a general rule and specific rules against age discrimination, and the NEA's education program complies with both. The general rule states that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. See 45 CFR Section 1156.6(a). The language defining the NEA's education program indicates that the program does not violate this general rule because the program does not limit its coverage of participants based upon age. See *National Endowment for the Arts: Grants to Organizations FY2000*, 11. The curriculum-based projects of the NEA's education program may focus on students grades pre-K through 12, but because these projects do not exclude, deny benefits to, or discriminate against non-students of any age group, the projects still comply with the rules against age discrimination. See *id.* More importantly, the education program's mission statement clearly illustrates the NEA's hope that the program will expand opportunities for children and adults to participate in and increase their understanding of the arts. See *id.* For instance, the field/discipline-based projects of the NEA's education program provide learning activities for children, youths, and adults. See *id.* Thus, the program is inclusive by nature, not exclusive.

The specific rules against age discrimination essentially state that a program cannot directly or indirectly (e.g., contractually, by license, etc.) use age distinctions or take any other actions that may exclude participation, deny or limit benefits, or discriminate on the basis of age. See *id.* The NEA's education program, however, does not violate these specific rules. The NEA finds that its education program complies with the specific rules because none of the program's projects exclude participants, deny or limit benefits, or discriminate based upon age through either "direct" or "indirect" means.

Even if the curriculum-based projects of the NEA's education program were determined to violate 45 CFR Section 1156.6, the NEA finds that these projects would fall under an exception provided in 45 CFR Section 1156.7. 45 CFR Section 1156.7(a) provides, in pertinent part, that a recipient of Federal financial assistance is "permitted to take an action otherwise prohibited by [Section] 1156.6 if the

action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity." The curriculum-based projects of the NEA's education program satisfy the exception because the projects take student-status (based upon age) into account as a factor necessary to the normal operation of the program. In the case of the NEA's projects, the normal operation of these projects inherently requires the use of age because grades pre-K through 12 logistically include mostly children. These projects comply with the exception under 45 CFR Section 1156.7(a) because 1) age is used to determine whether a person is a student (pre-K through 12); 2) as an educational service to schools, the curriculum-based projects, by nature, must determine whether they are serving students if they are to continue the normal operation of the program; 3) age can reasonably determine student-status; and 4) measuring student-status on an individual basis represents an impractical endeavor.

Because the NEA's education program encourages the participation of all age groups and because the curriculum-based projects do not exclude participation, deny or limit benefits, or discriminate based upon age, the NEA finds that its education program complies with the rules against age discrimination as established by 45 CFR 1156.

DATES: Comments must be filed on or before March 26, 1999.

FOR FURTHER INFORMATION CONTACT: Karen Elias, Deputy General Counsel, (202) 682-5418.

Karen Elias,

Deputy General Counsel.

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BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Vermont Yankee Nuclear Power Corporation (the licensee) to withdraw its May 1, 1998, application for proposed amendment to Facility Operating License No. DPR-28 for the Vermont Yankee Nuclear Power Station, located in Windham County, Vermont.

The proposed amendment would have revised the facility technical specifications to make several editorial changes to the Administrative Controls section including revisions due to organizational changes, quality assurance changes, editorial changes, and typographical corrections.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 17, 1998 (63 FR 33109). However, by letter dated February 1, 1999, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 1, 1998, and the licensee's letter dated February 1, 1999, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301.

Dated at Rockville, Maryland, this 11th day of February 1999.

For the Nuclear Regulatory Commission.

Richard P. Croteau,

Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 99-5337 Filed 3-3-99; 8:45 am]

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RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Railroad Separation Allowance or Severance Pay Report.

(2) *Form(s) submitted:* BA-9.

(3) *OMB Number:* 3220-0173.

(4) *Expiration date of current OMB clearance:* 4/30/1999.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Business or other for-profit.

(7) *Estimated annual number of respondents:* 27.

(8) *Total annual responses:* 1,072.